

SEP 02 2008

Attorney Docket No.: P-7772-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): PATERSON, Yvonne et al. Examiner: PORTNER, ALLEN VIRGINIA

Serial No.: 10/541,614 Group Art Unit: 1645

Filed: April 27, 2006

Title: COMPOSITIONS, METHODS AND KITS FOR ENHANCING THE IMMUNOGENICITY OF A BACTERIAL VACCINE VECTOR

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Examiner Portner:

This Response is being filed in response to the Restriction Requirement dated April 30th, 2008 issued by the United States Patent and Trademark Office in connection with the above-identified Application. A response to the April 30th, 2008 Office Action was due May 30th, 2008. Applicants are concurrently filing a Petition for a Three-Month Extension of Time, including the required fee. Since August 30th, 2008 falls out on a Saturday, a response is due the next business day, i.e. September 1, 2008. Accordingly, this Response is being timely filed.

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The Examiner alleged that claims 1-9 and 20-27 of Group I, drawn to methods of enhancing the immunogenicity of a bacterial vaccine vector and claims 10-19 and 28-30 of Group II, drawn to a bacterial vaccine vector and a kit that comprises a bacterial vaccine vector that is lyophilized or in a pharmaceutically acceptable carrier, are not linked as to form a single general inventive concept under PCT Rule 13.1. As a result, the Examiner has required Applicants to elect one of the above-mentioned groups of claims.

Applicants disagree. Contrary to the Examiner's assertion, the subject claims are linked to form a single general inventive concept in that all claims relate to a particular process (administering, passaging, harvesting, etc) for enhancing immunogenicity of a bacterial vaccine vector or antigen expressed therefrom. US Patent No. 5,861,163 (column 4, lines 62-64) and US Patent No. 5,628,994 (column 11, lines 19-40) both describe a process for attenuating a *Pseudomonas aeruginosa* or *Vibrio cholerae* strain by serial passaging through an animal host. Thus, neither US Patent No. 5,861,163 nor US Patent No. 5,628,994 demonstrates using the claimed process as a method for enhancing immunogenicity and in fact teach away from using the process as claimed. Since the subject claims are linked to form a single general inventive concept, Applicants maintain that the restriction requirement is improper and request its withdrawal.

However, in order to comply with the requirement, Applicants elect to prosecute claims 1-9 and 20-27 of Group I drawn to methods of enhancing the immunogenicity of a bacterial vaccine vector.

Claims 10-19 and 28-30, drawn to a bacterial vaccine vector and a kit that comprises a bacterial vaccine vector that is lyophilized or in a pharmaceutically acceptable carrier are withdrawn at this time.

Applicants reserve all rights to file divisional and/or continuation patent applications for non-elected claims 10-19 and 28-30.

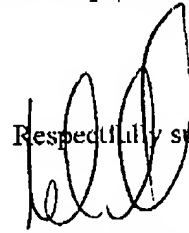
Should the Examiner any questions or comments as to this response, the undersigned may be contacted at the address and telephone number below.

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Please charge any fees associated with this paper to deposit account No. 50-3355.

Respectfully submitted,



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Dated: September 1, 2008

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